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Letter dated 20 November 2006 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council which will be held on Tuesday, 21 November 2006, regarding the situation in the Middle East, including the Palestinian question.

(Signed) Dr. Riyad **Mansour**
Ambassador
Permanent Observer

06-62453 (E) 211106

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Letter dated 20 November 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit the letter from my Government dated 20 November 2006 addressed to Sir Elihu Lauterpacht, President of the Eritrea-Ethiopia Boundary Commission, in reference to the communications of the Boundary Commission of 7 November 2006. The response of my Government issued on 16 November 2006, in reference to the same letter of the Boundary Commission of 7 November 2006 and two previous letters of President Isaias Afwerki, dated 21 August 2006 and 31 March 2006, addressed to the President of the Boundary Commission, are also enclosed (see annexes I-IV) for further information and clarification of Eritrea's commitment to the delimitation/demarcation process established in article 4 of the Algiers Agreement and to the boundary Award announced by the Boundary Commission on 13 April 2002.

I would be grateful if you could arrange for the present letter and its annexes to be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

06-62375 (E) 241106

Annex I to the letter dated 20 November 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Eritrea cannot agree with the Commission's decision to schedule a meeting to reconsider the modalities for demarcation of the Eritrea Ethiopia boundary. Had Ethiopia complied with its obligations under the Algiers Agreements to cooperate with the Commission in demarcation of the boundary, the process would have been complete several years ago. In the light of Ethiopia's response to the Commission's invitation letter, it is clear that Ethiopia's position has not changed and that Ethiopia will not countenance implementation of the Award.

Despite its disagreement over the utility of holding such a meeting at this time, however, Eritrea would like to restate its position for the Commission to consider during its deliberations.

Eritrea's position is as expressed in its 16 November 2006 letter. Eritrea remains committed to the delimitation/demarcation process established in article 4 of the Algiers Agreement, and to the boundary Award announced by the Commission on 13 April 2002. In signing the Agreement, the parties undertook to respect the Commission's "final and binding" Award. Eritrea maintains that it is appropriate that the Commission face the problem of Ethiopia's non-compliance directly rather than searching for ways to skirt the issue.

To alter or modify the terms of the 13 April 2002 Award would be beyond the Commission's authority. The Algiers Agreement not only states that the delimitation decision — characterized as "final and binding" — should be based on the pertinent colonial treaties, but also specifically adds that "The Commission shall not have the power to make decisions *ex aequo et bono*." The Commission's Determinations of 7 November 2002 likewise reminded Ethiopia that "article 14 (a) of the demarcation directions provides: 'The Commission has no authority to vary the boundary line.'"

Any attempt to accommodate Ethiopia's demands to change the boundary ruling would therefore be *ultra vires* and without effect. Demarcation cannot be treated as an opportunity to carve out pieces of territory to satisfy the revanchist demands of one of the parties. Eritrea's position is fully consistent with international law and al past international practice on the subject, and Eritrea requests that the Commission reject, once again, Ethiopia's unlawful demands.

(*Signed*) Lea **Brilmayer**
Legal Adviser to the Office of the President of Eritrea

Annex II to the letter dated 20 November 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I refer to the communications of the Boundary Commission of 7 November 2006.

As it is well known, it has been almost five years now since the Boundary Commission announced its Award in accordance with the mandate entrusted to it by the Algiers Agreement. But demarcation of the boundary remains blocked because Ethiopia has been encouraged and continues to flout the rule of law and reject the Award, which is "final and binding" in accordance with the Algiers Agreement.

As pointed out in our communications of 31 March and 21 August 2006, Eritrea has and continues to request firm adherence to the legality and integrity of the Agreements signed while strongly objecting to all endeavours aimed at altering the Award and derailing the process. In this vein, demarcation must be accepted as the unqualified implementation of the "final and binding" Award of the Boundary Commission in accordance with the duly signed agreements.

The notion of derogating the central task of physical demarcation to the "parties", when the Algiers Agreement explicitly stipulates that it is the mandate of the Boundary Commission to implement the final and binding Award, cannot thus be acceptable to Eritrea both in terms of legal principles and because it will only lead to further delays and complication. Allusions to a subsequent role of the United Nations are not pertinent either to the situation as explained in our letter of August 2006. Indeed, the United Nations cannot serve as an appellate court to modify the Award that is final and binding in accordance with article 4.15 of the Algiers Agreement.

(*Signed*) Yemane **Ghebremeskel**
Director
Office of the President

Annex III to the letter dated 20 November 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Allow me to digress somewhat and dwell on some important matters, although they are not of paramount concern at the moment, before focusing on the fundamental and primary themes of my letter.

As you are aware, the border demarcation issue was reactivated in the last few months after four years of paralysis because the United States Administration announced that "it has a plan to expedite demarcation in response to the Ethiopian regime's acceptance of the Boundary Commission decision". Although we did not harbour any illusion, we nonetheless accepted your invitation to attend the meetings in order to factually ascertain the reality. What we have ascertained in the process without any doubt is that the Ethiopian regime continues to reject the final and binding Award.

The second element that we have ascertained without any doubt is the incessant, illegal and major interference by the United States Government in the process. Indeed, this is a well-known fact that cannot be denied by anybody and for which we can submit corroborating evidence if necessary at the appropriate time. We were not surprised by this turn of events. In fact, this was what we had anticipated. If there is a forum for adjudicating these matters, we are prepared to submit our case at the appropriate time.

Your response to my letter contains various issues that provoke further questions and clarifications. But let me focus on the provisions of the Algiers Agreement (article 4.16) in reference to the role of the United Nations, which reads: "The parties request the United Nations to facilitate resolution of problems which may arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory". It must be pointed out that the putative humanitarian consequences that the United Nations may undertake to alleviate, after demarcation is completed and the transfer of sovereign territories duly effected, pale in comparison to the immense sufferings that occurred during the war and the plight that has persisted with the stalling of the demarcation process. Nor would it be difficult for us to seek such assistance when and if the problems unfold and when the time comes. At any rate, we wish to underline that the provisions of article 4.16 cannot in any way question, dilute, transcend or annul the cardinal principle of the Algiers Agreement as enshrined in article 4.15 that states: "The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party."

Within the framework of this principle, the Government of Eritrea has not imposed restrictions on the United Nations Mission in Ethiopia and Eritrea that impede the activities and functions of the Boundary Commission. If there are contentions to the contrary, we would like to know which measure has impeded demarcation and in what respect. This is a matter for which we will seek adequate clarification when the time comes. But as you will understand, this is not, indeed, a paramount issue that can arouse controversy now prior to the commencement of demarcation. If the principal aim is to detract the primary issue by depicting us and our stance as equivalent to Ethiopia's fundamental rejection of the Award and its

violation of international law. I can only reassure you that this path would not have any legality, rationality or practical utility. We are of course aware that this is part of the political interference perpetrated by the United States Government as an instrument of "pressure" against us.

I also hold differing views in regard to the observations which the Commission conveyed to the parties in 2003 that you refer to in your letter as well as other related matters. But I do not wish to go into those details to waste your time now before the fundamental and primary issues are settled fully. However, I intend to write to you my views on these matters with full candour and clarity later.

The fundamental and primary issues that need to be settled prior to addressing all other aspects of the process are the following:

1. The Award that is "final and binding" in accordance with the Algiers Agreement has not been accepted to date by the Ethiopian Government. To discuss other matters when this fundamental issue is not resolved has no legal significance or procedural or practical utility. Ethiopia's acceptance of the decision must therefore be ascertained publicly and unequivocally.

2. The details and modalities of demarcation and the "demarcation directions" must be worked out in an environment that is free from (i) political interference, (ii) unlawful and compromising mechanisms, and (iii) loopholes susceptible to distortion.

In the event, I wish to reassure you that unless and until these preliminary ground rules are guaranteed, we have no legal or moral obligation to entertain or accept procedures and arrangements that compromise legality and the "integrity" of the Agreements, or to engage, through intimidation and pressure, in another round of fruitless meetings.

(Signed) Seyoum **Mesfin**

Annex IV to the letter dated 20 November 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Our legal co-agent, Professor Lea Brilmayer, will have already communicated to you our stance on a critical matter that was raised at the London meeting. Allow me to highlight certain dimensions of the issue to reinforce the views expressed through our legal co-agent.

As you are aware, Ethiopia's decision to flout the rule of law and reject the award of the Boundary Commission of 13 April 2002, which is "final and binding" in accordance with the provisions of the Algiers Agreement, has squandered the opportunities for early peace, entailed avoidable complications and precipitated the dangerous situation that is prevailing in our region today.

For our part, we have maintained, for the past four years, our firm adherence to the integrity and legality of the agreements signed and strongly objected to all endeavours aimed at derailing the process through the appointment of special "envoys". Needless to mention, our objections neither emanated from nor were rooted in the credentials and other attributes of the individuals concerned. Our strong objections emanated from the illegality of the objectives and procedures underpinning the various appointments.

In the same vein, there is no doubt that the new effort under way now is ultimately aimed at emasculating and undermining the responsibilities and functions of the Commission and causing the demarcation process to drift to a dangerous path despite its packaging as a serious attempt of "expediting demarcation". As such, Eritrea cannot be expected to accept the new ploy under any legal justifications.

In our view:

- The matter is not indeed about the personalities appointed or their nationality. It is primarily about the underlying objectives of the effort and the mandate, functions and terms or reference of those appointed. It cannot be shrouded in ambiguity or imposed without due clarification in a manner akin to putting the cart before the horse. The terms of reference should therefore be spelled out without any ambiguity and conveyed to the parties in advance.
- No useful purpose will be served by dwelling on, and we do not wish to indulge in, arguments about the credentials of personalities.
- Any exercise of this sort must be predicated on the integrity of the Agreements and respect for the rule of law, which has to be ascertained unequivocally and publicly.
- Demarcation must be accepted as the implementation of the "final and binding" award of the Boundary Commission in accordance with the agreements signed through an unequivocal and official stance.
- Minute details for the demarcation process must be worked out and completed, indeed as this was the case before the interruptions due to Ethiopia's obstruction, in a manner that does not lend itself to delays, manipulations or deleterious consequences.

- Any political interference to influence the actual demarcation process must be avoided and the job performed by experts who strictly abide by and adhere to the legal award and the requisite technical modalities.

As you will understand, Eritrea cannot embrace a process that will have far greater complications and dangerous consequences and that is outside the framework highlighted above in spite of its fervent desire for peace. We cannot indeed drift into a new process that circumvents the agreements signed, that contravenes legality and that is devoid of clarity. Accordingly, I urge you to ensure that the demarcation process is again set on track and carried out in a manner that will guarantee durable peace without confounding political interference.

(*Signed*) Isaias **Afwerki**

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo (Serbia), from 15 August to 31 October 2006.

II. Political assessment

2. The future status process for Kosovo continued to advance during the reporting period. My Special Envoy for the future status process for Kosovo, Martti Ahtisaari, convened further rounds of direct talks between Belgrade and Pristina on decentralization, cultural and religious heritage and community rights on 7 and 8 September. The talks gave the sides an opportunity to engage in a substantial exchange of views on the issues at hand, without resulting, however, in any major shifts of position. Overall, the positions of the parties in each of the areas discussed remain far apart. Following the talks, my Special Envoy brought the sides together for another round of direct discussions on the delineation of new municipalities, including Mitrovica, in the context of the talks on decentralization which, however, did not result in any substantial progress. Expert-level consultations with the sides continued throughout the reporting period.

Political situation

3. The political situation in Kosovo during the reporting period was characterized by an intensified focus on the future status process, which continues to be the dominating factor in political life in Kosovo. High expectations on the part of Kosovo Albanians, coupled with recent speculations about a possible delay in the process, have led to a feeling of uncertainty as to the way ahead and are likely to be a source of instability if momentum slows. There is a widespread feeling among them that a tangible delay in the process would entail high political and economic costs. Fringe groups and extremists on all sides stand ready to exploit more widespread frustration. Uncertainty and frustration are also prevalent among the

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Serbs and other minority populations, raising the potential for instability pending a political solution.

4. Members of the Kosovo negotiating team have been confronted with increased pressures, both internally and externally. Many feel that the negotiation process is exhausted and that there is no more room for compromise. The issue of decentralization has led to protests in a number of Kosovo Albanian-majority municipalities affected by the decentralization plan proposed by the team. In the municipality of Gnjilane, demonstrations were organized by the local municipal leadership in concert with the War Veterans' Associations and the Self-Determination movement. Similar protests were held in Vitina, Novo Brdo and Kamenica.

5. The beginning of the Democratic League for Kosovo (LDK) party election process has been another source of pressure on the unity of the negotiating team and the Kosovo Government. On 5 September, the LDK Presidency proposed Kosovo President Sejdiu as its candidate for the party chief position, despite the stipulation in the constitutional framework that the President of Kosovo shall not hold any other office or employment. My Special Representative made it clear to President Sejdiu that, in the event of his election as party President, he would immediately have to decide either to resign as President of Kosovo or not to assume the office of party President. President Sejdiu nevertheless accepted the nomination and will run against the former Assembly President, Nexhat Daci.

6. The new Serbian Constitution, which describes Kosovo as an integral part of Serbia, was heavily criticized in a statement of the Kosovo Assembly. The referendum in Kosovo on the Serbian Constitution on 28 and 29 October was conducted without incident.

7. Security incidents involving Kosovo Serbs continued during the reporting period. On 26 August, a grenade attack on a cafe at the northern end of the main bridge over the river in Mitrovica injured 9 people, leading to protests by 300 Kosovo Serbs and the temporary closure of the main bridge. A Kosovo Albanian juvenile suspect was arrested in connection with the attack and remains under house detention. A grenade attack on a Kosovo Serb returnee family in the town of Klina on 19 September wounded a family of four and further raised tensions in the community. All leaders of the Kosovo Provisional Institutions of Self-Government and Kosovo Albanian political leaders condemned the attacks. Despite these incidents, the overall number of potentially ethnically motivated crimes has considerably decreased in the course of this year.

8. The Mission made strenuous and successful efforts to encourage members of the negotiating team and the Provisional Institutions more widely to reach out to majority and minority communities. Prime Minister Agim Çeku has been particularly active in reaching out to Kosovo's minority communities and in responding to security incidents, while the negotiating team has made efforts in explaining the political process and its role to citizens, particularly in areas that will be affected by the team's decentralization proposal in the negotiations.

9. There has still been virtually no Kosovo Serb participation in Kosovo's political institutions at the central level. Reserved positions in the Assembly and Government have not been taken up and the Minister of Communities and Returns remains the only Kosovo Serb member of the Government. While some

participation of members of the Serbian List for Kosovo and Metohija in Assembly committee work has taken place and two more small, independent Kosovo Serb parties have been formed, the engagement of the Kosovo Serb community in and with the Provisional Institutions remains severely limited. This is particularly true in the northern municipalities dominated by the Serb National Council, which continue their boycott of contacts with the Provisional Institutions. While my Special Representative has worked to increase the level of communication with the leaders of the Serb National Council, they continue to operate a separate sphere of local governance, closely linked with the institutions of Serbia.

Security

10. Coordinated action by UNMIK police and the Kosovo Force (KFOR), supported by the international community, has for now stabilized the situation in the north of Kosovo, at least on the surface. Operations Stringent Security (focusing on preventing and investigating crime against Kosovo Serbs) and Safety Chain (designed to prevent and resolve attacks with political motives) continued.

11. The Mission and the Provisional Institutions have moved forward in transferring aspects of security to greater local control. The establishment of the Kosovo Ministry of Justice is proceeding well, with good cooperation between the UNMIK Department of Justice and the Ministry, following the positive outcome of the interim review and the transfer of the second phase of competencies in April 2006 (see S/2006/707, para. 17). Attempts by the Ministry to exercise closer control over the Office of the Public Prosecutor of Kosovo is a cause for possible concern, but the drafting of a law on prosecutors is being closely monitored to ensure it meets European standards in safeguarding their independence. Also following the positive interim review and the transfer of additional competencies relating to oversight of the Kosovo Police Service (KPS), the consolidation of the Kosovo Ministry of Internal Affairs is progressing. The Kosovo Police Inspectorate has been established and its members are currently undergoing training by the Organization for Security and Cooperation in Europe (OSCE). With support from the European Agency for Reconstruction and the United Kingdom Department for International Development, the Ministry has developed its mission statement and strategic plan. UNMIK and the donor agencies are focusing on four priority areas: clarification of the role and authority of the Ministry vis-à-vis KPS; the creation of capacity for managing migration and repatriation; improved capability for emergency preparedness and response; and civil registration and documentation.

Standards

12. Sustained progress on standards has been an encouraging feature throughout 2006, and the Provisional Institutions deserve credit for continuing to give priority and emphasis to the programme. The standards programme in turn continues to strengthen the Kosovo institutions, which gain more experience in coordination and implementation, but its impact upon Kosovo Serb communities is limited by their own reluctance to cooperate with the Pristina authorities. The 13 priorities identified by the Contact Group in June continued to receive close attention. All were either achieved or show substantial progress. The Provisional Institutions are also now creating structures and workplans to implement the European Partnership Action Plan adopted in August (S/2006/707, para. 14). The standards programme now forms an integral part of that Plan. A detailed technical assessment of standards

implementation for the period from 15 August to 31 October, prepared by my Special Representative, is contained in annex I to the present report.

Decentralization

13. Further progress has been made in the implementation of the three existing pilot municipal units in Kosovo. Each of the units now has the capability to issue civil status documents (birth, marriage and death certificates), certified by the Ministry of Public Services, and generate its own revenue, though this aspect remains limited at this stage. More importantly, the Kosovo Ministry of Local Government Administration, the Ministry of Finance and Economy, the three units and the host municipalities from which they are derived, signed a memorandum of understanding for the support for and gradual transfer of responsibilities from the host municipalities to the units. The 2007 budget cycle will treat the units as separate budget organizations, which is a necessary basis for their transformation into full-fledged municipalities in 2007. The units will also collect and distribute property taxes, manage education and health grants and, in coordination with other signatories of the memorandum, jointly manage schools and primary health-care facilities. The Ministry will also conduct an assessment jointly with UNMIK on the current process of establishing other units and their performance. That assessment could serve as a valuable tool for implementation of the decentralization proposal led by the Office of the Special Envoy for the future status process for Kosovo.

Cultural and religious heritage

14. Weekly security meetings between UNMIK, UNMIK police, KPS and focal points on cultural heritage at the central and regional levels are now held to improve communication and raise the awareness of cultural heritage protection within KPS. There was a decrease in the incidents reported against Serbian Orthodox Church sites with a corresponding increase in the number of patrols by KPS to cultural heritage sites during the reporting period. In October, UNMIK also intervened through the Provisional Institutions to stop illegal constructions in the vicinity of the cultural heritage sites included by the Office of the Special Envoy in the list of sites for proposed protective zones. As September was Cultural Heritage Month, UNMIK organized a second round of its heritage-awareness campaign in 30 municipalities. On 9 October, the Assembly passed the Law on Cultural Heritage, including key passages insisted upon by the Special Envoy, the Council of Europe and UNMIK, with regard to additional legislation on religious communities and potential amendments to harmonize the law with future status agreements.

15. The reconstruction of Serbian Orthodox Churches damaged or destroyed during the violence of March 2004 has moved forward. Extensive interventions on seven sites under the direction of the Reconstruction Implementation Commission, chaired by the Council of Europe, have been under way since the end of August and will be completed by mid-December 2006. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNMIK signed an umbrella memorandum of understanding on 11 September, which will provide a framework for the implementation of projects arising from the pledges made at the 2005 UNESCO donor conference. For implementation to begin, supplementary memorandums must be signed on a project-by-project basis. UNMIK and UNESCO are currently in the process of negotiating the first of these memorandums regarding a project funded by the United States of America.

Dialogue

16. The dialogue between Pristina and Belgrade on technical issues made moderate progress. The Working Group on Missing Persons met in closed session in Pristina on two occasions. On 1 September, the delegations agreed that work should focus on suspected burial sites where additional data should be sought and ensuring that no potential site has been omitted. The meeting on 19 October followed up on issues raised and commitments made at previous meetings. However, as at previous sessions, no new concrete information was offered by either delegation on the fate or location of missing persons. Discussions focused on objectives to be achieved in order for the Chair from the International Committee of the Red Cross, to be able to convene the next formal session of the Working Group.

17. Renewed commitment to the dialogue process was evident in relation to the work of the Working Group on Energy, which met in Belgrade on 26 October. Discussions covered energy transmission and supply, gas supply and possibilities for cooperation concerning Belgrade's offers of unconditional supply of free electricity to Kosovo and bill collection in some areas. The Working Group on Returns has not met since 23 June owing to scheduling problems on all sides, and there have subsequently been delays in the establishment of a technical subgroup agreed upon at that meeting. The Working Group on Transport and Telecommunications remained dormant during the reporting period.

Returns

18. While remaining steady, the number of minority returns to Kosovo is unsatisfactory: UNHCR estimates that 1,173 minority community members returned from January to September 2006. The primary factors affecting returns continue to include lack of economic opportunities, uncertainty about the future status of Kosovo, and, to a much lesser degree than in the past, security. The attitude of receiving communities continues to improve. Municipalities are also demonstrating the capacity to directly implement components of returns projects, making them more sustainable and less expensive. The Office of the Prime Minister took corrective action to allocate remaining funds to support returns of internally displaced persons to Kosovo. However, a funding shortfall of €20 million affects 22 approved return projects, all of which have been recently re-evaluated with stakeholders to bring down projected costs. Cooperation on returns between the Provisional Institutions and the Government of Serbia continued at the local level, particularly on matters of humanitarian concern. From January to September 2006, the overall number of persons involuntarily repatriated from host countries reached 2,697. Repatriation functions are in the process of being transferred to the Provisional Institutions.

Economy

19. A number of significant economic developments took place during the reporting period. Following an agreement with the World Bank, other donors and UNMIK, the Kosovo Ministry of Energy and Mining issued, on 19 August, a request for expressions of interest for the development of a new lignite mining facility, its associated new electricity generating and transmission capacity, as well as the rehabilitation of some of Kosovo's existing electricity generating facilities. The issuance of the request was followed, on 10 and 11 October, by a Ministry-

sponsored international investors' conference, promoting the project to potential investors and acquainting them with Kosovo's existing power generation capacities. On 24 August, the Special Representative signed a regulation that transformed the Banking and Payments Authority of Kosovo into the Central Banking Authority of Kosovo. One of its main objectives was to transfer to local control the Governing Board of that important institution, as well as to strengthen its powers in regulating and managing Kosovo's financial system. The newly established body has produced Kosovo's first balance of payments report in accordance with the guidelines of the International Monetary Fund.

Regional cooperation

20. During the reporting period, economic cooperation and trade with regional neighbours was the highlight in terms of regional cooperation. Two bilateral free trade agreements were signed on 28 September and 19 October, with Croatia and with Bosnia and Herzegovina, respectively. Negotiations on a single agreement for the region of South-East Europe were concluded in Brussels on 20 October. On 17 October, UNMIK and the Provisional Institutions signed two memorandums of understanding with Albania on cooperation in the field of energy and for the construction of a new 400 kV connection line between Kosovo and Albania.

Future international arrangements and transition

21. My Special Representative has intensified preparations for the end of the UNMIK mandate following an eventual political settlement, while recognizing that the Mission will retain all of its authority and existing responsibilities for as long as resolution 1244 (1999) remains in force. Planning has included an analysis of all tasks performed by UNMIK and of action necessary to achieve a successful transition. The Steering Group has continued to meet in Pristina under the chairmanship of my Special Representative, bringing together all interested parties from the international community, including representatives of the planned future International Civilian Office.

III. Observations

22. The future status process has enabled the parties to engage in focused negotiations, in which the representatives of Serbia and Kosovo have clearly delineated their respective positions. I remain disappointed that the process has resulted in only uneven progress and limited agreement on some specific elements, and that the two sides have not moved from their diametrically opposed views on the future status of Kosovo. At the same time, I call upon all sides to refrain from any unilateral actions and statements.

23. It is important to keep the momentum in the political process. Everyone needs clarity with regard to the future status of Kosovo. The sustained support of the Council and key Member States is essential, and I call upon them to keep Kosovo on their agenda as we move forward.

24. I welcome the commitment shown throughout 2006 by the Government of Kosovo to the implementation of the standards, and especially to the 13 priority points identified by the Contact Group. The progress made in the standards programme, and the experience and skills developed by implementing it, have

strengthened the institutions of Kosovo and contributed to building a foundation for future development. As we look ahead, the leaders and people of Kosovo need to bear in mind that a political settlement will not be a panacea for all challenges ahead. It remains important for the Kosovo authorities to take the progress achieved still further, and not to lose sight of all the standards that are important to developing more stable and effective institutions and to improving the delivery of services to all people in Kosovo.

25. Progress will be achieved by demonstrating through actions, not words, that everyone has a future in Kosovo. It will be important that substantive actions take precedence over symbolism with the aim of promoting confidence and stability. I would urge the leaders of all communities not to yield to the temptation of divisive words and actions, but to embrace the opportunity to promote reconciliation and dialogue. It takes more courage and strength to do so, and the main burden rests with the leaders of the majority population.

26. I call on the members of the negotiating team to remain united and commend them for their efforts to reach out to all communities in Kosovo. I appeal to them to continue their efforts in order to keep the communities of Kosovo informed about the future status process and to prepare the population for the eventual settlement.

27. I note with dismay that violent attacks continue to be made by a few in an attempt to effect political change. I am resolute in condemning such violence and call upon the people of Kosovo to help their institutions defeat it. Political developments and timelines will not be dictated by the streets, and violence will not be tolerated. Leaders will be held responsible for managing expectations and controlling possible discontent.

28. I am disappointed that Kosovo Serb leaders continue to remain outside the political process in Kosovo. This is a disservice to their community. I once again call on the Belgrade authorities to remove all impediments to Kosovo Serb participation in Kosovo institutions, and on the Kosovo Serb leaders to engage with the Provisional Institutions.

29. I would like to extend my appreciation to my Special Representative, Joachim Rücker, for his dedication and work on behalf of the Organization. I also express my gratitude to the staff of UNMIK for their continued steadfastness in carrying out their challenging tasks, often in difficult circumstances. I would like to extend my appreciation to KFOR, our partners within UNMIK — the European Union and OSCE — and the United Nations agencies, funds and programmes as well as other organizations, contributors and donors for their commitment and valuable support. I welcome the close cooperation between all stakeholders in preparing the ground for a transition that will follow an eventual determination of the future status of Kosovo.

Annex I

Technical assessment of progress in implementation of the standards for Kosovo

Prepared by the Special Representative of the Secretary-General for Kosovo, 6 November 2006

1. The standards programme continued to benefit from the momentum built up during 2006, and from the continued attention and effort on the part of the Kosovo authorities. As a whole, the programme now presents a picture of institutions gradually gaining in strength and as a result improving their performance.

2. The 13 priority points presented to the Government of Kosovo by the Contact Group in June continued to be a focus of particular attention; the present report begins with an analysis of the progress made on them. The Provisional Institutions of Self-Government in Kosovo made a sustained effort to fulfil the tasks entailed and by the end of the reporting period, this subset of objectives had been either substantially or wholly achieved.

The 13 priorities for standards implementation

3. **Priority 1**. The Law on Freedom of Religion was adopted on 13 July by the Assembly and promulgated on 24 August. The Law on Cultural Heritage was approved by the Assembly on 9 October. On 27 July, the Assembly adopted the Law on Languages which provides for full equality of Albanian and Serbian as official languages of Kosovo, and requires other minority languages to be official in municipalities where the respective minority constitutes at least 5 per cent of the population. On 21 September, the Assembly adopted an amendment establishing Turkish as an official language in the municipality of Prizren, irrespective of the size of the Turkish community there. That law was promulgated on 20 October.

4. **Priority 2**. The Kosovo Protection Corps (KPC) was assigned a major role in completing operational aspects of the reconstruction work in Svinjare/Svinjare. While the deadline of 31 October was not met, partly because of late availability of funding and partly because the original scope of the work was later extended, the bulk of the work is completed and the balance under way. A panel for resolving other claims, run by the Provisional Institutions, recommended to the Prime Minister on 30 October that 11 outstanding contractors' claims should be paid, but no recommendations were made on outstanding commercial claims.

5. **Priority 3**. The Kosovo Property Agency launched a rental scheme pilot project covering 200 of the 5,294 properties currently under its administration. To date, 195 property right holders have been contacted, of whom 111 have signed an agreement with the Agency. A total of 28 tenants have begun to pay rent. Following pressure from the Provisional Institutions, several banks have agreed to reduce their charges on transfers outside Kosovo. The Provisional Institutions have begun an advertising campaign on television to promote public awareness of the scheme. The pilot scheme now needs to be extended to all residential properties under administration.

6. **Priority 4**. A total of 1,150 Housing and Property Directorate decisions remain to be implemented, down from 2,804 in June. Standard operating procedures for the Kosovo Police Service (KPS) to deter and remedy reoccupation of houses after

eviction were approved in August and are currently being amended in discussions between the police and the Kosovo Property Agency.

7. **Priority 5**. On 31 August, UNMIK and the Ministry of Transport and Communications signed a memorandum of understanding governing the transfer of the competency of UNMIK to provide humanitarian train and bus services for minority communities in Kosovo. There will be no change in the current service providers until 2008. Affected communities will be invited to participate in the selection of new bus routes in 2007.

8. **Priority 6**. The Government of Kosovo and UNMIK reached an agreement on 30 June on the allocation of the remaining €4,700,000 in returns project funds from the Ministry of Returns and Communities. Under the agreement, €1,100,000 was to be transferred to KPC in support of the Svinjarë/Svinjare reconstruction programme. However, it was found that the Ministry had spent the funds on other activities. The Government then identified €1,100,000 outside the Ministry's budget and allocated it to KPC as part of the mid-year review process.

9. **Priority 7**. Regarding March 2004 cases, of the 323 criminal charges originally made in local courts, excluding Minor Offences courts,[1] 198 have led to indictments which in turn have brought 134 convictions. A total of 28 cases remain under investigation. International courts have indicted 31 defendants, of whom 26 have been found guilty and 4 await trial. During the reporting period, police made a total of 12 arrests on charges of arson committed in the municipality of Fushë Kosovë/Kosovo Polje during the March 2004 disturbances. International prosecutors and UNMIK police are reviewing all reported incidents to compile an archive and database that will help to show how much remains to be done and facilitate future prosecutions.

10. **Priority 8**. On 1 September, the Ministry of Public Services issued administrative instruction No. MPS 2006/10 defining the rules and procedures of central-level monitoring of the use of official languages. The Government has also compiled the first CD-ROM containing all Government decisions and regulations in the official languages. Copies of the CD-ROM were distributed to ministries and municipalities. All ministries now have staffed translation units, but full implementation of the official language policy will require further training and even more staff, especially at the municipal level.

11. **Priority 9**. On 11 July, the Government distributed the first grants from its Minority Media Fund to 11 recipients.

12. **Priority 10**. All 11 planned Court Liaison Offices have been established and are now fully operational. On 6 September, the Police Commissioner and the Minister for Internal Affairs agreed to establish 17 new submunicipal police stations. To date, 10 are fully operational while the funding or logistical problems affecting the remainder are being addressed. Two proposed substations have not been accepted by their target communities.

13. **Priority 11**. A Director of the Anti-Corruption Agency was appointed on 17 July. The Agency currently employs 7 staff and the recruitment of another 15 is

[1] Figures for convictions quoted in previous technical assessments have aggregated minor offences and more serious charges, but it is now deemed more useful to present the figures in this way.

under way. Plans envisage a total of 35 staff members and a move to new premises in 2007. The Ministry of Justice and the Office of the Prime Minister have appointed officers responsible for maintaining a registry of gifts.

14. **Priority 12**. The Council of the Independent Media Commission was established on 28 August, thus finalizing the handover of regulating radio and television from UNMIK to the Provisional Institutions. The Commission replaces the institution of the temporary Media Commissioner, which was established in 2000. The Council, consisting of two international and five resident members, has selected a chairperson, a deputy chairperson and a chief executive officer.

15. **Priority 13**. The draft law to amend the Law on Public Procurement passed its first reading in the Assembly on 9 October.

Functioning democratic institutions

16. The Government continues to hold in trust the salaries of the Kosovo Serbs who have left the payroll of the Provisional Institutions.

17. An administrative instruction of 10 August of the Ministry of Finance and Economy on the implementation of fair share financing requires municipalities to submit by 15 December an annual plan for minority projects and expenditure for 2007 in consultation with the heads of the municipal community offices and the concerned minority communities.

18. Language units are established in 22 municipalities, while six have only one interpreter/translator and two (Zveçan/Zvečan and Zubin Potok) did not employ any interpreters or translators. All ministries and most municipalities now have simultaneous interpretation equipment, although some municipalities report that it is either underutilized or not properly installed. Most municipalities are fully or partially language-compliant in respect of road and streets signs and municipal buildings.

19. The Ministry of Public Services and the Ministry of Local Government Administration continued to monitor language compliance at the central and municipal levels, respectively, compiling statistics and producing reports, which they plan to issue on a monthly basis. To date, some 50 per cent of municipalities have reported to the Ministry of Local Government Administration.

20. Public grievance redressal offices have been established in all ministries and municipalities. Some of the offices have begun submitting reports on the number of complaints received and addressed.

21. Implementation of a long-term strategy to increase the number and improve the position of women in the Provisional Institutions, drafted by the Office of Gender Equality and approved by the Government on 3 May, has begun with training and the gathering of statistics.

22. Since the first edition of the Official Gazette of the Provisional Institutions in June, issues have been published on a monthly basis, including on the website of the Official Gazette.

23. Since its establishment at the end of August, the Independent Media Council has adopted its rules and procedures, a code of ethics and broadcast policy and sanctioning guidelines. The Council also established working groups regarding the

future licensing process and related guidelines, cable regulation and advertising policies, as well as the protection of minors.

24. Little progress has been made in extending the reach of the signal of Kosovo Radio-Television (RTK) from the current 75 per cent of the population to 90 per cent, as required by law. In September, however, RTK started to broadcast its minority programmes via satellite, thus reaching minority community areas not covered terrestrially.

Functioning democratic institutions: challenges ahead

25. The unwillingness of many Kosovo Serbs to cooperate with the Provisional Institutions remains a challenge and an obstacle to the integration of Kosovo Serb communities into mainstream society.

26. While the monitoring of language compliance has improved, enforcement needs to develop further. An action plan is needed to implement the Law on Languages. Skills need to be developed to analyse collected data and derive policy recommendations.

27. The long-term strategy to increase the number and improve the position of women in the Provisional Institutions, drafted by the Office of Gender Equality and approved by the Government on 3 May, should be further implemented.

28. The Office of the Official Gazette needs additional capacity and resources to develop a systematic approach to the publication of laws and secondary legislation, as well as a database and index to make the extensive existing body of laws accessible.

Rule of law

29. The transfer of additional competencies to the Ministry of Justice and the Ministry of Internal Affairs continues within the parameters established in the relevant UNMIK legislation. Penal management and missing persons and forensics have been transferred to the Ministry of Justice. Minority representation stands at 10.97 per cent in the Ministry of Internal Affairs and 15.16 per cent in the Ministry of Justice. Both ministries are preparing their strategic action plans for the next five years and have adequate financial management systems in place.

30. On 31 August, following the transfer of border police stations and boundary crossings to KPS control, Gates 3 and 4 were handed over. Gates 5 and 6 followed on 13 September. Recently, the Regional Command West and Regional Command North also were transferred. The Directorate of Organized Crime has been partially transferred.

31. The Kosovo Police Service and the Kosovo Correctional Service continue to have a multi-ethnic composition, with 16.09 per cent of minority staff in the Police Service and 14.45 per cent in the Correctional Service.

32. As a result of a recruitment campaign for judges and prosecutors targeting members of underrepresented communities, 15 recommendations for judicial and prosecutorial appointments have been forwarded to the Special Representative of the Secretary-General for appointment, including 8 from underrepresented communities. Non-Albanian representation remained constant from the previous

reporting period, accounting for 9 per cent of judges and 8 per cent of prosecutors. Women's representation also remained constant, at 26 and 18 per cent, respectively.

33. The civil court backlog increased 1.43 per cent in comparison to the previous reporting period, to 45,699 cases. A team of experts has been recruited by the European Agency for Reconstruction to assist with the implementation of the case management information system.

34. Inter-ethnic crime continues at a low level, though dramatic incidents, such as the hand grenade attack on the Dolce Vita bar in Mitrovicë/a on 26 August, continue to make headlines.

Rule of law: challenges ahead

35. More work is needed to develop and implement a comprehensive judicial and prosecutorial vetting procedure to ensure the integrity and competence of judges and prosecutors.

36. Further efforts are needed to protect witnesses from intimidation. Legislation on witness protection needs to be finalized.

37. To supplement the targeted recruitment drive, more work is needed to increase the number of underrepresented communities among judges and prosecutors. The Ministry of Justice needs to target non-Albanian communities and run an outreach programme to attract applications from recent law school graduates, especially Serbs.

38. Additional efforts are necessary to implement the case management information system to enable more efficient and transparent case management. Judges, prosecutors and court staff need to be encouraged to use the system.

Freedom of movement

39. The police continue to assess the security situation as stable but fragile. Regular surveys conducted by KPS show that over 94 per cent of minorities travel outside their area of residence and that their perception of freedom of movement remains good; between 91 and 96 per cent of those interviewed stated that the situation was satisfactory.

40. The main bridge across the Ibar in Mitrovicë/a was closed for several weeks following the incident reported in paragraph 34 above.

41. Political and institutional leaders continue to condemn incidents of violence and vandalism when they occur, such as the attack on Kosovo Serbs in Klinë/a on 20 September. The Prime Minister visited the victims shortly after the incidents.

42. On 8 September, the Prime Minister participated in a conference on inter-ethnic dialogue to show support for dialogue initiatives. The Confidence Building Task Force and the Communities Security Council established during the previous reporting period did not meet during the reporting period, though the latter initiative led to the approval of a number of quick-impact projects in vulnerable communities.

43. The number of vehicle technical control sites in non-Albanian communities continues to increase. There are currently seven inspection sites designated in such areas, of which four, including Leposaviq/ć, are operational, while the remaining three still need to fulfil the technical criteria for licensing.

44. Escorts and checkpoints continue to be reduced throughout Kosovo without affecting freedom of movement. Non-Albanian civil servants at the central and municipal levels travel to work without escorts.

45. The Kosovo Serb basketball team "Bambi" from Mitrovicë/a joined the Kosovo league and has played several games in various locations, despite intimidation of the trainer by members of the Kosovo Serb community.

Freedom of movement: challenges ahead

46. More direct contact between police and families is necessary in areas where juveniles still occasionally throw stones at vehicles thought to be carrying Serbs.

Sustainable returns and the rights of communities

47. An increasing number of municipalities have shown considerable progress in taking over the ownership of the returns process, while central-level involvement remains impeded by serious financial and administrative management problems in the Ministry of Returns and Communities.

48. All relevant municipalities have developed municipal returns strategies, though those in Zveçan/Zvečan and Leposaviq/ć still need to be endorsed by the Municipal Assembly.

49. In all municipalities in which municipal working groups on returns are functioning, the chairmanship now lies with the municipality. Task forces are functioning in locations with ongoing organized returns as well as in Mitrovicë/a, where several task forces cover the gap left by the absence of a working group. In most cases, the displaced are represented in the working group and/or taskforce. With some exceptions (Leposaviq/ć, Malishevë/Mališevo, Gjakovë/Djakovica, Gjilan/Gnjilane, Lipjan/Lipljan and Kaçanik/Kačanik), municipalities are now giving support to the returns process.

50. While ever more returns projects are being developed by municipalities, lack of funding remains the single most important obstacle to returns. UNMIK and the Ministry of Returns and Communities jointly revised the budgets of all pending returns projects to cut costs and provide municipalities with a greater implementing role: as a result the funding gap was revised downwards by €6 million and now stands at €20 million for 22 approved organized returns projects. However, the budget submission for 2007 of the Ministry omitted those projects in favour of others that are not in conformity with the existing policies and have not been endorsed at the municipal level.

51. The Belgrade authorities have cooperated with the Kosovo institutions on humanitarian matters, particularly at the municipal level. A joint returns project is being implemented in Llugë/Lugovo and Gjurakovc/Djurakovac (Istog/k) and another project is being jointly developed in Badovc/Badovac (Prishtinë/Priština).

52. Terms of reference have been developed regarding the establishment of human rights units in ministries, which will be responsible for each ministry's compliance with the recommendations of the Ombudsperson Institution of Kosovo.

53. The President, the Prime Minister and ministers continued to visit communities. On 25 October, the Government approved a consolidated outreach

plan for ministers among non-Albanian communities that will aim at encouraging participation of members of those communities in the Provisional Institutions.

Sustainable returns and the rights of communities: challenges ahead

54. The policy framework for voluntary returns is now in place. The success of its implementation depends on leadership and commitment from the central institutions. Valuable support for the returns process is being provided, in particular by the Ministry of Local Government Administration, but sustainable progress can only be achieved if the serious managerial issues facing the Ministry of Returns and Communities are addressed. Transfer of further competencies to that Ministry should depend on improvements in this field.

55. The repatriation of Kosovans returning from third countries after being denied legal status presents a huge potential problem of resources and organization. An estimated 90,000 are subject to deportation and return to Kosovo. UNMIK and the Provisional Institutions have developed a joint plan to address their needs and to manage the transfer of repatriation functions to the Provisional Institutions.

56. An administrative instruction on the Anti-Discrimination Law has been issued, but more efforts are needed for its implementation.

57. Displaced people, particularly women, need to be consulted more in the decision-making process, and a database of displaced persons is urgently needed.

58. The functioning of Communities Committees and Mediation Committees needs to be re-examined. There is generally poor participation and a lack of quorum.

Economy

59. The mid-year review of the 2006 budget, promulgated by the Special Representative of the Secretary-General on 19 September, was generally budget-neutral. The Ministry of Finance and Economy continues to enforce the authorized ceiling on the wage bill, and on 7 September the Government imposed a hiring freeze, with the exception of a few employment categories. There has been little progress, however, on public service reform and head-count reduction, and the wage bill is likely to remain higher than that recommended by the International Monetary Fund (IMF). The potential implementation of a number of laws on social benefits would have a significant upward effect on public expenditure. The 2007 budget is currently being prepared below the ceiling recommended by IMF. A final draft was submitted to the Government on 31 October.

60. The average revenue collection rate of the Kosovo electricity company (KEK) has increased from 32 per cent for the year 2005 to 36 per cent for the first half of 2006 (revenue collected against total energy supplied). The Company's ABC load-shedding scheme remains in place, and it has also introduced mobile cash collection offices. The courts have recently issued convictions against two criminal cases of debt to KEK. The Ministry of Energy and Mines has continued a public information campaign on the importance of paying bills and economical use of energy, with the support of the European Agency for Reconstruction.

61. The Statistical Office of Kosovo produces monthly trade and consumer price statistics; IMF has corrected certain errors in the compilation of the latter. Economic accounts for 2005 are overdue, and there is a lack of basic data (principally a

business survey) for the compilation of future statistics. The Office faces difficulties in retaining experienced local staff.

62. At the end of September, the Office of the Auditor General conducted a preliminary review of follow-up on auditors' recommendations in 10 municipalities and two ministries. Preliminary findings indicate that little has been done. On 13 October, the Ministry of Finance and Economy addressed a letter to all budget organizations to undertake immediate measures to implement the Auditor General's recommendations.

63. The Mission has received a number of procedural complaints against the Tax Administration of Kosovo from various businesses. In addition, the Kosovo Trust Agency has complained to the Minister of Finance and Economy regarding the Administration's handling of tax-related issues of various socially owned enterprises. UNMIK Customs has noted that the Administration currently lacks a strategic planning component and work plans for 2006 and 2007, and also that it has failed to set up a working group in the context of the Fiscal Blueprints benchmarking exercise of the European Union, as requested by the European Commission at the Stabilization and Association Process Tracking Mechanism meeting held in July 2006.

64. The Board of Directors of the Kosovo Trust Agency has met regularly and agreed to launch the nineteenth and twentieth waves of privatization. The total proceeds of paid and pending contracts currently amounts to €236,152,396. The Deputy Special Representative of the Secretary-General for Pillar IV and the Minister for Local Government Administration have agreed on a list of criteria to be applied in processing municipal requests to use land owned by socially owned enterprises for the benefit of the public.

Economy: challenges ahead

65. Compliance with IMF recommendations remains a major medium/long-term challenge in the face of upward pressures on expenditure, including those potentially related to a status settlement.

66. The Tax Administration of Kosovo should investigate procedural complaints raised by the Kosovo Trust Agency and various businesses, develop annual working plans, and establish a working group for the purposes of the European Union Fiscal Blueprints benchmarking exercise.

67. Responsiveness to and implementation of auditors' recommendations needs to improve.

68. Despite some improvements in revenue collection, non-payment of bills remains a major problem for a number of public utilities and an obstacle to their attainment of economic viability.

69. The Ministry of Public Services and the Statistical Office of Kosovo need to develop a plan for the absorption of future technical assistance and the retention of experienced capacity in the Statistical Office.

Property rights

70. Legal reform relating to property rights is slowly moving forward. The law on housing is awaiting adoption by the Assembly. The draft law on the treatment of illegal constructions is pending approval by the Prime Minister. Other bills are under review by the Assembly to ensure compliance with European standards.

71. A strategy is under discussion to reduce the backlog of disputes relating to property before the courts, which has reached 31,017 cases (two thirds of the overall civil case backlog; see para. 33), though these include 18,132 conflict claims lodged against UNMIK, KFOR and the Provisional Institutions by Kosovo Serbs, stayed at the request of the UNMIK Department of Justice. Another 2,939 claims of a similar nature were lodged by Kosovo Albanians against Serbia and individuals.

72. The Ministry of Environmental and Spatial Planning and the municipalities have allocated a budget to social housing programmes. The total budget allocated is €6,143,300.

73. Repossession is not usually the choice of the successful claimant (other options are administration of the property or withdrawal of the claim). The percentage of repossession thus remains low (15.74 per cent of 4,117 implemented category C cases). When repossession requests result in an eviction order, the number of cases in which the unlawful occupant voluntarily releases the property is low (562 cases, 13.6 per cent). In comparison, in 3,571 cases (86.4 per cent), a forced eviction has been necessary.

74. Illegal occupation of non-residential properties continues to be a widespread phenomenon. To date, the Kosovo Property Agency has received 4,022 claims related to agricultural and commercial property.

Property rights: challenges ahead

75. A strategy to address the backlog of property-related cases needs to be agreed upon and implemented.

76. Illegal construction remains rife. In addition to the legal reform now under way, there is an urgent need for a comprehensive policy at the central level to address the issue.

77. Municipalities, in cooperation with ministries, must remedy previous irregular expropriations and ensure that ongoing public works comply with the law.

78. The Kosovo Property Agency lacks funding for the duration of its mandate and still needs donor support, in addition to the €2.7 million provided through the Kosovo budget.

79. The Kosovo-wide medium- and long-term strategy and action plan on regularizing existing informal settlements and preventing new ones need to be developed and implemented.

Cultural heritage

80. Reconstruction and restoration of cultural heritage sites by the Reconstruction Implementation Commission continue. After an accelerated tender in early June, the replacement of the stolen roof of Ljeviska church was completed on 31 August, and work started on three other sites (St. George, St. Nicholas and Dević Monastery). A

second round of tenders that included additional work to these sites as well as to three other sites (St. George Runović, Presentation of the Virgin and St. Elias) was evaluated early in September and works began on 2 October. A third round of additional work to a church (Holy Virgin Mary) was evaluated on 13 October and work should begin early in November.

81. Since the previous reporting period, there has been a decrease in the number of incidents relating to cultural heritage property and monuments. Between 7 August and 26 October, six incidents were reported, including one case of attempted theft at an Orthodox church. Two cases have been sent to the prosecutor.

82. Following the series of incidents during the previous reporting period, the Ministry of Culture, Youth and Sports initiated weekly security meetings with KPS. Additional protection measures now include increased local patrolling by KPS at cultural heritage and religious sites, especially Orthodox sites under reconstruction.

83. Progress has been made on the inventory of cultural heritage. The assessment of data already existing in the architectural, archaeological and movable inventories is ongoing. According to most recent updates, a total of 2,847 objects have been identified in the inventory process since 2003; of these, 426 objects have been listed under protection by law. The Ministry of Culture, Youth and Sports hopes to complete the inventory database by the end of 2006.

Cultural heritage: challenges ahead

84. Condemnation by political and community leaders of incidents affecting cultural heritage sites should continue, to encourage the public to respect cultural heritage and cooperate with law enforcement.

85. The Ministry of Culture, Youth and Sports needs a policy for the allocation of funding for cultural heritage protection. At present, funds are allocated on an ad hoc basis, which makes it hard for partner organizations to plan ahead.

86. Once the adopted Law on Cultural Heritage has been promulgated, subsidiary legislation needs to be drafted to implement the law.

Kosovo Protection Corps

87. Non-Albanian membership of the Kosovo Protection Corps has risen throughout 2006. From 180 at the start of the year, by 26 October there were 223 non-Albanian members, or 7.4 per cent of a total workforce of 3,030, including 58 Serbs (up from 52 in August). Intimidation from within the Kosovo Serb community itself is still an obstacle to the recruitment and retention of Kosovo Serbs. Throughout 2006, the focus has been on retention and support, which has included visits to non-Albanian communities.

88. Women are represented at all levels of KPC and continue to occupy relatively more senior ranks in comparison with men. The United Nations Development Fund for Women (UNIFEM) and KPS began gender-awareness training for KPC officer courses on 21 October, continuing a tradition of cooperation between UNIFEM and KPC in that area.

89. The continuing leadership of KPC in the reconstruction of properties damaged in March 2004 in Svinjare/Svinjare village has remained a high-profile activity during the reporting period (see para. 4). The implementation of reconstruction and

humanitarian projects, especially for non-Albanian and mixed communities, has been a consistent feature of KPC activity.

90. Disciplinary compliance continues to improve. On 29 August, the KPC Disciplinary Board convened for the second time under its new code. It reviewed 21 cases and recommended 12 KPC members for dismissal: 10 for absenteeism, including 8 Kosovo Serbs. Absenteeism continues to be the most common disciplinary offence, but shows a declining trend.

91. In August, the Geneva International Centre for Humanitarian Demining conducted an independent assessment of the remaining mine and unexploded ordnance tasks in Kosovo, and judged that KPC would be ready to assume sole responsibility for all mine action in Kosovo as of late 2007. On 27 September, KPC began technical survey operations of all outstanding dangerous and suspicious areas, a new responsibility that further builds its capabilities. By 27 October, KPC, together with a number of non-governmental organizations, had cleared nearly 2.5 million square metres of land and located and destroyed 2,364 pieces of unexploded ordnance and other ordnance.

92. The Civil Protection Brigade is on track for full operational capability by 31 December 2006. Its first full-scale field training exercise, from 5 to 8 September, successfully tested its capabilities. The Brigade was inaugurated on 6 June 2005 and has operating capability in search and rescue, explosive ordnance disposal, firefighting and hazardous material protection.

Kosovo Protection Corps: challenges ahead

93. Despite positive recruitment policies, active engagement among Kosovo Serb communities and no internal evidence of discrimination, KPC still has difficulty in attracting and retaining recruits from the Kosovo Serb community.

94. Difficulties are apparent as KPC starts to face the coming challenge of transformation following a final status settlement. Donor support will be needed for resettlement programmes and other engagement to ensure that KPC is able to respond to that challenge.

95. Other donor support is also needed to enable KPC to become more professional.

Annex II

A. Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo (as at 31 October 2006)

Argentina	11	Malaysia	2
Austria	22	Nepal	19
Bangladesh	3	Netherlands	1
Brazil	2	Nigeria	24
Bulgaria	45	Norway	19
China	18	Pakistan	155
Croatia	9	Philippines	45
Czech Republic	13	Poland	123
Denmark	21	Portugal	7
Egypt	17	Romania	170
Finland	4	Russian Federation	33
France	53	Slovenia	8
Germany	182	Spain	13
Ghana	15	Sweden	35
Greece	10	Switzerland	6
Hungary	6	Timor-Leste	10
India	78	Turkey	125
Italy	26	United Kingdom of Great Britain and Northern Ireland	60
Jordan	58	United States of America	208
Kenya	16	Ukraine	183
Kyrgyzstan	5	Zambia	9
Lithuania	8	Zimbabwe	18
Total			**1 895**

B. Composition of the Kosovo Police Service (as at 31 October 2006)

Category	*Percentage*	*Number*
Kosovo Albanians	83.94	6 031
Kosovo Serbs	10.30	740
Other ethnic minority members	5.76	414
Total	**100**	**7 185**
Men	86.40	6 208
Women	13.60	977

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 31 October 2006)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	4
Italy	1
Jordan	2
Kenya	1
Malawi	1
Malaysia	1
Nepal	1
New Zealand	1
Norway	1
Pakistan	1
Poland	1
Portugal	2
Romania	2
Russian Federation	2
Spain	2
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
Zambia	1
Total	**37**

United Nations S/2006/907

Security Council

Distr.: General
21 November 2006

Original: English

Letter dated 17 November 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1284 (1999), which requires me to consult the Council and the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) on the appointment of suitably qualified experts as UNMOVIC Commissioners.

Mr. Francis C. Record has resigned from the College of Commissioners and I would like to propose the appointment of Mr. Robert Witajewski.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-62532 (E) 211106

United Nations S/2006/908

Security Council

Distr.: General
21 November 2006

Original: English

Letter dated 21 November 2006 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 17 November 2006 (S/2006/907) concerning your proposal to appoint Robert Witajewski as a Commissioner of the United Nations Monitoring, Verification and Inspection Commission has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter.

(*Signed*) Jorge **Voto-Bernales**
President of the Security Council

06-62538 (E) 211106

United Nations S/2006/909

Security Council

Distr.: General
22 November 2006
English
Original: Arabic

Identical letters dated 21 November 2006 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

We have learned through the media that the Lebanese Republic and the United Nations are in the process of concluding and adopting the "agreement and statute" pursuant to which a special tribunal for Lebanon is to be established to prosecute persons responsible for the crime of the killing of Rafiq Hariri, former Prime Minister of Lebanon.

Syria and other States have continually expressed their view that the "special tribunal" should not be established until after completion of the work of the International Independent Investigation Commission, with which close cooperation remains ongoing in the interest of its investigations. In this context, we should like to draw your attention to the fact that the views of the Syrian Arab Republic concerning those two documents have hitherto not been sought and that it has not even officially had sight of either text.

Consequently, in the event that the statute of the tribunal is adopted, unacceptable transgressions that undermine the sovereignty of certain Member States and the rights of their subjects are likely to transpire.

Adoption of the statute of the "special tribunal" in such a manner will firmly establish our belief that Syria has no connection with this tribunal.

(*Signed*) Bachar **Jaafari**
Ambassador
Permanent Representative

06-62705 (E) 221106 221106

United Nations

S/2006/910

Security Council

Distr.: General
21 November 2006

Original: English

Letter dated 21 November 2006 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council

I have the honour to refer to the draft letter to the Secretary-General on the establishment of a Special Tribunal for Lebanon, which was circulated on 20 November 2006 to the members of the Security Council under silence procedure.

I would like to inform you that our understanding of this draft letter is that the Security Council invites the Secretary-General to proceed together with the Republic of Lebanon to finalize the necessary steps for the conclusion of the draft agreement in accordance with the requirements of the Lebanese Constitution. This requires a constitutional process in Lebanon consisting of many stages, not the least important of which is the approval of the President of the Republic of Lebanon and the Lebanese Parliament.

The draft agreement and the statute of the Special Tribunal will not come into force until all such constitutional requirements are met.

With this understanding, we have no objection to the aforementioned draft letter.

I should be grateful if you could circulate this letter as a document of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the State of Qatar
to the United Nations

06-62552 (E) 211106

United Nations S/2006/911

Security Council

Distr.: General
21 November 2006

Original: English

Letter dated 21 November 2006 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council have carefully considered your report on the establishment of a special tribunal for Lebanon (S/2006/893), submitted in accordance with resolution 1664 (2006), as well as the presentation by your Legal Counsel (S/2006/893/Add.1).

They welcome the conclusion of the negotiation with the Government of Lebanon, as requested in resolution 1664 (2006).

The members of the Security Council are satisfied with the Agreement annexed to the report, including the Statute of the Special Tribunal.

With regard to the financing of the Special Tribunal, they support option 2, as set out in paragraph 49 of your report, and recommend therefore the inclusion in the Agreement of the corresponding article, which would read:

> The expenses of the Special Tribunal shall be borne in the following manner:
>
> (a) Fifty-one per cent of the expenses of the Tribunal shall be borne by voluntary contributions from States;
>
> (b) Forty-nine per cent of the expenses of the Tribunal shall be borne by the Government of Lebanon.
>
> It is understood that the Secretary-General will commence the process of establishing the Tribunal when he has sufficient contributions in hand to finance the establishment of the Tribunal and twelve months of its operations, plus pledges equal to the anticipated expenses of the following twenty-four months of the Tribunal's operation. Should voluntary contributions be insufficient for the Tribunal to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Tribunal.

The members of the Security Council invite you to proceed, together with the Government of Lebanon, in conformity with the Constitution of Lebanon, with the final steps for the conclusion of the Agreement.

They look forward to being kept informed of developments regarding the establishment of the Special Tribunal.

(*Signed*) Jorge **Voto-Bernales**
President of the Security Council

06-62578 (E) 211106

United Nations S/2006/911*

Security Council

Distr.: General
24 November 2006

Original: English

Letter dated 21 November 2006 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council have carefully considered your report on the establishment of a special tribunal for Lebanon (S/2006/893), submitted in accordance with resolution 1664 (2006), as well as the attached presentation** by your Legal Counsel.

They welcome the conclusion of the negotiation with the Government of Lebanon, as requested in resolution 1664 (2006).

The members of the Security Council are satisfied with the Agreement annexed to the report, including the Statute of the Special Tribunal.

With regard to the financing of the Special Tribunal, they support option 2, as set out in paragraph 49 of your report, and recommend therefore the inclusion in the Agreement of the corresponding article, which would read:

> The expenses of the Special Tribunal shall be borne in the following manner:
>
> (a) Fifty-one per cent of the expenses of the Tribunal shall be borne by voluntary contributions from States;
>
> (b) Forty-nine per cent of the expenses of the Tribunal shall be borne by the Government of Lebanon.
>
> It is understood that the Secretary-General will commence the process of establishing the Tribunal when he has sufficient contributions in hand to finance the establishment of the Tribunal and twelve months of its operations, plus pledges equal to the anticipated expenses of the following twenty-four months of the Tribunal's operation. Should voluntary contributions be insufficient for the Tribunal to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Tribunal.

The members of the Security Council invite you to proceed, together with the Government of Lebanon, in conformity with the Constitution of Lebanon, with the final steps for the conclusion of the Agreement.

* Reissued for technical reasons.

** The presentation is attached to the report of the Secretary-General on the establishment of a special tribunal for Lebanon as S/2006/893/Add.1.

06-62578* (E) 281106

They look forward to being kept informed of developments regarding the establishment of the Special Tribunal.

(*Signed*) Jorge **Voto-Bernales**
President of the Security Council

United Nations S/2006/912

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United Nations Monitoring, Verification and Inspection Commission

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Security Council the twenty-seventh quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). It is submitted by the Acting Executive Chairman of UNMOVIC in accordance with paragraph 12 of Security Council resolution 1284 (1999).

Twenty-seventh quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)

I. Introduction

1. The present report, which is the twenty-seventh submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999), covers the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) during the period from 1 September to 30 November 2006.

II. Developments

2. During the period under review, the Acting Executive Chairman continued the practice of briefing the respective Presidents of the Security Council, representatives of Member States and officials of the Secretariat on the activities of UNMOVIC. In connection with the closing of the Commission's training course in Cologne, Germany, (see para. 18 below), the Acting Executive Chairman met with Ambassador Friedrich Gröning, Commissioner of the German Federal Government for Arms Control and Disarmament, in Berlin on 10 November.

06-62032 (E) 271106

III. Other activities

Compendium

3. Work continues on the production of a version of the compendium from which all proliferation and other sensitive information has been removed.

Correspondence with Iraq

4. In view of Iraq's plans to accede to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,[1] on 18 August the Permanent Representative of Iraq to the United Nations wrote to UNMOVIC requesting copies of "certificates of destruction" of the chemical weapons-related material and equipment that had been destroyed under United Nations supervision, as well as a copy of the handover protocol signed in 1994 between Iraq and the United Nations Special Commission established pursuant to Security Council resolution 687 (1991) concerning the transfer of the Muthanna chemical warfare agent production site to the custody of Iraq. The protocol provides a full account of destruction activities conducted at Muthanna between 1992 and 1994 and sets out safety and security measures to be applied at the site, and remains in force today.

5. On 6 September another request from the Permanent Representative of Iraq followed, seeking a copy of UNMOVIC's working document of 6 March 2003 concerning unresolved disarmament issues and Iraq's responses thereto.

6. On 7 September, the Acting Executive Chairman informed the Council of his intention to respond positively to both requests and that due regard would be taken to remove any proliferation and other sensitive material. The Commission's experts prepared all relevant documents, eliminated proliferation and other sensitive information from the material and provided the mission with CD-ROMs covering both requests, on 15 September and 10 October, respectively. The materials submitted included a large number of destruction certificates, the handover protocol and 54 documents regarding unresolved disarmament issues. In total, over 1,200 pages of documents were provided in electronic format.

Indicators

7. By reviewing and assessing the experience of the Commission's inspections gained over time in Iraq in terms of the methodologies developed and deployed, practical and important elements are emerging. Among them is the importance of comprehensively seeking information from the widest possible range of sources. Continuing analysis of such information could provide indicators of possible undeclared proscribed weapons activity. In turn, this has the potential to lead to and identify avenues of investigation that would not otherwise be so readily apparent.

8. The understanding and use of such indicators by UNMOVIC staff is being developed as a significant component of its inspection methodology. The emphasis focuses on identifying areas and types of data including through the use of computer-based tools. It is expected that the use of such indicators will contribute significantly to a more thorough and comprehensive methodology for the United

[1] United Nations, *Treaty Series*, vol. 1974, No. 33757.

Nations by creating a more efficient and effective multilateral monitoring, verification and inspection capability. This would be incorporated into the training process. A paper describing this work in more detail includes examples and is annexed to the present report.

IV. Other issues

Field offices

9. In Baghdad, the two remaining UNMOVIC national staff, now co-located with the United Nations Assistance Mission for Iraq in the international zone, maintained the equipment that had been brought from the United Nations Canal Compound when it closed, checked packing lists and unpacked, set up and tested for serviceability all the office support equipment. Weapons artefacts were separated from other equipment and secured.

10. In Cyprus, a catalogue of all the equipment recovered from the Canal Compound was prepared and sent to New York. The final batch of computer equipment recovered belonging to the International Atomic Energy Agency was dispatched to Vienna. The inspection and laboratory equipment recovered from the chemical and biological laboratories was set up in preparation for maintenance by UNMOVIC experts.

11. The Cyprus Field Office continued to support the World Food Programme and the United Nations Humanitarian Air Services in their Lebanon mission by providing equipment and office space for their daily use up to 1 October 2006.

Staffing

12. At the end of November 2006, UNMOVIC headquarters core staff at the Professional level totalled 34. The staff are drawn from 19 nationalities; seven are women.

Technical visits, meetings and workshops

13. In September, the Acting Executive Chairman and two other staff members attended the fiftieth General Conference of the International Atomic Energy Agency in Vienna.

14. In September, the Acting Executive Chairman and an UNMOVIC expert attended a conference on chemical, biological, radiological and nuclear counter-proliferation and responses in Paris and presented a paper on verification of weapons of mass destruction. The conference covered areas related to technical, political and strategic responses to chemical, biological, radiological and nuclear weapons, including recent advances for future development and application in military and civil industries.

15. In October, an UNMOVIC expert attended the Second National Conference on Environmental Sampling and Detection for Bio-Threat Agents in New York. The Conference focused on advances in the science of environmental sampling and detection specifically for biological threat agents.

16. An UNMOVIC expert is attending the Sixth Review Conference of the States Parties to the Biological Weapons Convention, being held in Geneva from 20 November to 8 December.

Training

17. In the period under review, UNMOVIC conducted two training courses for its roster personnel. The first was held in Ploiesti, Romania, from 3 to 12 October. It was the second multidisciplinary technology course designed to develop a better understanding of the technologies and equipment involved in the operation of refineries and petrochemical plants and their relevance to monitoring under the UNMOVIC mandate (the first such course was conducted in Canada in October 2005). A total of 20 experts from 15 Member States and one UNMOVIC headquarters staff member participated in the course. The participants were able to visit a number of refinery and petrochemical complexes and to conduct a practical inspection exercise at one of the facilities.

18. Another course was conducted in Cologne, Germany, from 30 October to 10 November. Nineteen experts from 13 Member States participated in the course, the main objective of which was to develop practical skills for inspection and monitoring of dual-use production equipment and capabilities in the missile area. The course included familiarization visits to relevant facilities as well as a practical inspection exercise.

19. The Commission is grateful to the Governments of Germany and Romania for their support for UNMOVIC training courses.

V. College of Commissioners

20. On 15 November, Francis Record (United States of America) tendered his resignation from the College of Commissioners upon his departure from the State Department. The Secretary-General has since appointed Robert Witajewski (United States of America) to the College.

21. The UNMOVIC College of Commissioners convened its twenty-fourth regular session in New York on 20 and 21 November. Observers from the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons also attended.

22. The Acting Executive Chairman briefed the Commissioners on the activities of UNMOVIC since their last meeting and on the planned activities for the next quarter. In addition, presentations were made on recent imagery of Iraqi sites and on open-source information on Iraq of relevance to the Commission's mandate. A presentation was also made on the framework of the UNMOVIC training manual.

23. The February session of the College had an initial discussion of a draft paper on archiving UNMOVIC's collection of material. Several Commissioners offered to provide additional comments after consulting experts on archiving. The Commission is continuing to review and process information collected for the purpose of electronic storage and retrieval.

24. The College expressed its appreciation to the Acting Executive Chairman for his comprehensive introductory statement and also expressed support for the

ongoing and planned future activities for 2007 as outlined by the Acting Executive Chairman in his oral statement and in the quarterly report. Given the continuing uncertainty as to when the Security Council will reconsider the mandate of UNMOVIC, the College recognized the difficulties faced by UNMOVIC in planning an annual work programme.

25. The College welcomed the presentations that were made on: (a) information on captured Iraqi material released through the website of the Foreign Military Studies Office of the United States Army; (b) an overview and evaluation of the most recently acquired imagery from various sites, including the Muthanna State Establishment; (c) open-source information relevant to UNMOVIC's mandate through the use of Iraqi websites and open-source geographical information; and (d) an introduction to the training manual under preparation. The presentations were found to be informative. The College noted the continuation and possible expansion of agricultural activities outside and within the Muthanna perimeter close to the bunkers in which a variety of chemical munitions filled with nerve agents were known to have been stored, which might pose safety and health hazards.

26. The College also welcomed the progress on an edited version of the compendium and the ongoing work on indicators of possible proscribed activities. The College commended UNMOVIC's training activities and the Chairman's intention to update the roster of experts trained as inspectors. It also commended the preparation of a training manual for inspectors based on the experience gained by UNMOVIC.

27. Finally, the College noted the assistance provided to the Iraqi authorities by UNMOVIC in connection with Iraq's planned accession to the Chemical Weapons Convention and on the provision of additional information requested by Iraq, appropriately edited for non-proliferation and other sensitive information.

28. It was decided tentatively to hold the next meeting of the College on 20 and 21 February 2007.

29. In accordance with paragraph 5 of resolution 1284 (1999), the Commissioners were consulted on the contents of the present report.

Annex

Use of indicators in the investigation of programmes of weapons of mass destruction

1. During a review of the experience of the United Nations Monitoring, Verification and Inspection Commission as regards United Nations inspections in Iraq, a number of important elements emerged, among them the value of indicators in leading to fruitful investigations, as well as an understanding of how and where those indicators were found (or, conversely, not detected). It has been recognized that many useful indicators may not always lie in the site being inspected or in equipment being used, but rather would arise from a systematic and comprehensive collection of information in a number of different areas in relation to a particular site or activity. Analysis of such information would often yield indicators of possible undeclared proscribed activity or show avenues of investigation that would not otherwise be readily apparent.

2. The figure below identifies separate domains of information where indicators could be found. Information can be drawn from a variety of sources including on-site inspections, the submission of declarations, sampling, aerial imagery, examination of open-source information, intelligence, supplier data and interviews with those involved in the programme. While each of these domains needs to be investigated separately and/or in parallel, it is clear that not all will have relevance in every case or will yield indicators that would lead to an outcome on their own. It is often the combination or association of indicators that may lead to a breakthrough or reveal evidence of proscribed activity.

Domains of information

3. The formulation of a specific framework dealing with indicators, based on the above findings, will be useful in providing clarity, awareness and a systematic approach to the use of indicators within an overall inspection methodology. Such a methodology is useful in training inspectors so that they will be more likely to explore systematically less apparent sources of information to derive a more accurate understanding of activities or uncover false or undisclosed information.

4. The section below sets out descriptions of the various domains shown in the figure, as well as some representative indicators that may arise from them in the course of inspection and analysis. The section concludes with some examples of situations where combinations of indicators have led to the uncovering of parts of Iraq's programmes of weapons of mass destruction and other information that had not been disclosed to the United Nations.

Examples of possible indicators in different domains of information

Facilities and sites

5. This domain includes physical location and its associated infrastructure, management and ownership. It also includes recent building construction or alterations within a building or modifications to a site, including the configuration of the production lines. The following are examples of indicators that fall within this domain:

- General layout of a site
- Civilian organization administered by a military authority
- Extraordinary security features and guard arrangements
- Recent or transient changes in affiliation and/or ownership
- Restrictions in access to the site that do not fit the level of classification of the site's products
- Presence of departments (especially with former military staff) without a reasonable explanation
- Recent remodelling and renovation

Activities

6. This domain includes site operations and functions (past, ongoing or planned) such as research, development, testing and evaluation, production, procurement and storage. The following are examples of indicators that fall within this domain:

- Activities inconsistent with the final product
- Inconsistencies in relation to work schedules or unusual work patterns
- Quantities of products, by-products or wastes inconsistent with the declared scope or scale of activities

Technologies

7. This domain includes the application of scientific knowledge for practical purposes, including processes. The following are examples of indicators that fall within this domain:

- Modification of known technologies
- Use of inappropriate or unusual process techniques
- Acquisition of new technologies without clear application to a declared purpose
- Unwarranted use of specific technologies

Equipment

8. This domain includes dual-use machines, devices or computer hardware used in an operation or activity. The following are examples of indicators that fall within this domain:

- Presence of special dual-use equipment (such as highly corrosion-resistant equipment)
- Presence of equipment inconsistent with the declared activities
- Absence of equipment required for the declared activities
- New equipment stored for a long time unused
- Dismantled equipment in good shape presented as "old and not working"
- Contradictory statements regarding use or working schedules of equipment
- Presence of health and safety systems and/or equipment for chemical and biological containment

Documents

9. This domain includes annual reports, logbooks and letters of instruction, personal notebooks, computer files and correspondence. Uncovering or obtaining this kind of information has in the past put pressure on Iraq to disclose more information. The following are examples of indicators that fall within this domain:

- Gaps in logbooks (production records, equipment, storage or quality control)
- Signs of destruction or relocation of documents immediately before the arrival of inspectors
- Working documents or drafts at variance with official statements or declarations
- Inability to demonstrate the commercial relevance of a civil programme
- Name of the facility and its subordinates used differently in different documents

Materials

10. This domain includes consumables or inputs for production processes such as raw materials, feed stock and intermediate industrial products used in production. The following are examples of indicators that fall within this domain:

- Presence of dual-use raw materials in quantities inconsistent with the end products or the purpose of the facility
- Presence of dual-use intermediates useful for weapons of mass destruction purposes that are not being converted into legitimate end products
- Acquisition or presence of decontamination materials not consistent with the profile of the facility

Weapons

11. This domain includes information on weapons systems, including aerial bombs, artillery projectiles, rockets and missiles, spraying devices and explosive devices that can be configured to disseminate weapons of mass destruction agents. The following are examples of indicators that fall within this domain:

- Presence of weaponization specialists at civilian industries
- Capabilities and examples of reverse engineering or modifications of imported munitions
- Presence of conventional munitions at incongruous non-military sites
- Special filling equipment or unusual internal coatings or design of munitions and/or weapons
- Unusual munitions design

Procurement

12. This domain includes contracts, bids, tenders, letters of credit and visits to foreign companies and the acquisition of promotional material from suppliers. The following are examples of indicators that fall within this domain:

- Procurement efforts for critical equipment (including black market and second-hand sources)
- Procurement requests from different facilities conducted by an intermediate facility or middleman
- Use of unusual transaction and financial arrangements (e.g. cash payments from embassies)
- Unwarranted or unusual specifications for dual-use equipment manufacture
- Undisclosed or incompletely declared procurement

Finance

13. This domain includes budget allocations, bank transfers and movements or transfers of capital or financial assets. The following are examples of indicators that fall within this domain:

- Signs of dual financing of the same activities
- Inability to demonstrate the commercial relevance or economic viability of the programme or activity
- Additional or unusual types of payment (special compensation for hazardous working conditions, and bonus payments to staff or gifts in kind)
- Expenditures that do not fit the stated reason and type of activity
- Unusual funding arrangements

Human resources

14. This domain includes information on persons who have been employed in or associated with a particular facility in a managerial, liaison, technical or support capacity. The following are examples of indicators that fall within this domain:

- Inconsistencies between the number of employees, their qualifications and the duties of the workforce and the declared activities of the facility
- Qualifications and background of the staff that do not match the declared activities
- Presence of active-duty military personnel in civilian facilities

Events

15. This domain includes a single happening or incidents (natural event, accident or occurrence) that may be associated with possible proscribed weapons activities. The following are examples of indicators that fall within this domain:

- Unusual outbreaks of infectious disease (unknown cause or unusual pattern)
- Unexplained toxic releases
- Patterns of efforts to deliberately destroy evidence
- Official statements by the country's leadership

Interrelationships between indicators

16. An individual indicator by itself may not be significant, but indicators from several domains taken together can be greater in value. The combination of indicators gathered over time may not prove to be conclusive, but they may constitute a picture or pattern that needs an explanation. Examples from the Commission's experience in Iraq show how the combination of several indicators can help to uncover undisclosed information or proscribed activities.

Chemical weapons

17. Early efforts to verify the chemical weapons declaration provided by Iraq to the United Nations in April 1991 soon showed that the declaration was far from complete. Inspectors obtained various indicators that Iraq had concealed important aspects of the chemical weapons programme, such as the extent of VX activities. The first indicators were the wastes containing VX degradation products found at the Muthanna site, Iraq's main chemical weapons research and production facility. The quantities of wastes found suggested that the research had been much more

extensive than declared. The second indicator was the presence of two dual-use chemicals, known to be capable of being used as VX precursors. A third indicator of intentional concealment of the programme was the unilateral destruction in 1991 of another dual-use chemical declared by Iraq in 1992.

18. The full significance of the presence of these three dual-use chemicals became fully apparent in 1995, when, after the discovery of additional documents and under pressure from inspectors, Iraq declared a much more advanced VX programme than before. Even that declaration remained only partly verified, however, owing to Iraq's unilateral destruction of the VX actually produced and gaps in the production records of the Muthanna site for 1990 and the beginning of 1991.

19. All the above indicators, although some of them were initially underestimated, contributed to a better understanding of Iraq's VX programme. Moreover, an investigation into pilot-scale production equipment acquired for chemical weapons purposes and kept hidden by Iraq until 1997 indicated its intention to preserve a chemical weapons production capability in contravention of its obligations under the provisions of the Security Council's resolutions.

Biological weapons

20. United Nations inspectors observed large quantities of bacterial growth media at Al Hakam, Iraq's main biological weapons agent production facility; this was not in itself conclusive evidence of a proscribed biological weapons programme. Later, bulk quantities of growth media were also observed in two warehouses. United Nations inspectors contacted the foreign companies involved in the supply of the media and found from export documents that even more media had been imported than Iraq had declared, which led to more intensive interviews of Iraqi personnel and repeated site inspections. Through the interview process and the procurement records as proof of delivery, it became difficult for Iraq to provide a coherent material balance for the media. In addition, United Nations inspectors had concerns about the Al Hakam facility because of its remote location, size and security arrangements.

21. With several indicators pointing to the need for further detailed investigation and with mounting pressure on Iraq for credible explanations, Iraq made an admission of a past proscribed biological warfare programme. Each indicator by itself was insufficient to develop a clear picture of events, but together these indicators proved more substantial.

Ballistic missiles

22. During the early period of United Nations inspections in Iraq, a number of admissions were eventually made by Iraq, based on cases built by inspectors using a combination of indicators. One example was Project 1728. Originally, Iraq had declared that the purpose of the project had been for the development of welding and other technologies for manufacturing agricultural pumps, but that there was also a group within Project 1728 charged with studying the possibility of manufacturing Scud engines by a process of reverse engineering.

23. Several indicators from the activities, human resources, procurement and equipment domains emerged, which when taken together strongly suggested that the production of liquid-propellant engines could have been the only purpose of Project

1728 and that it was more advanced than had been declared. Through an intense effort over a long period of time, the United Nations inspectors were able to identify more than 100 pieces of equipment that had not been destroyed during the Gulf War as claimed by Iraq and were shown to have been procured for and used in Project 1728. These included flow-forming machines, vacuum furnaces, special welding machines and a balancing machine. These machines, although not located within a single facility, collectively provided all the equipment necessary for the production of liquid-propellant engines. The United Nations inspectors' own conclusions about Project 1728, based on a number of interrelated indicators and subsequent investigations, were vindicated when Iraq finally acknowledged the truth in its declaration of November 1995, by admitting that Project 1728 had been established and operated specifically for the production of liquid-propellant missile engines, in particular for Scud missile engines.

Ongoing work on indicators

24. The use of indicators is being developed further by UNMOVIC as a valuable component of its inspection methodology. The emphasis is on identifying areas and types of data in a systematic way, including the use of computer-based tools.